

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MICHAEL SWANSON,

Plaintiff,

Case No. 3:22-cv-00979-YY

v.

OPINION AND ORDER

**CONGRESS, PRESIDENT JOE BIDEN,
NANCY PELOSI, MARK TAKANO, and
MIKE LEVIN,**

Defendants.

MOSMAN, J.,

On July 8, 2022, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 5], recommending that I dismiss Plaintiff Michael Swanson’s claims with prejudice for failing to cite a valid claim for relief. Objections were due July 22, 2022, but none were filed. Upon review, I agree with Judge You.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of

the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendation, and I ADOPT the F&R [ECF 5] as my own opinion. I DISMISS Plaintiff's claims with prejudice for failure to state a claim.

IT IS SO ORDERED.

DATED this 26 day of July, 2022.



MICHAEL W. MOSMAN
Senior United States District Judge